IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20931 of 2007(P)

PETITIONER:

ABRAHAM JOSEPH, S/O. JOSEPH,
AGED 67 YEARS, PULIMOOTTIL, CHUNGAM,
THODUPUZHA.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:
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1. DISTRICT COLLECTOR,
IDUKKI.

2. THODUPUZHA MUNICIPALITY, REPRESENTED BY
ITS SECRETARY.

3. THODUPUZHA MUNICIPAL COUNCIL,
REPRESENTED BY ITS CHAIRMAN.

BY ADV. SRI.P.K.SOYUZ,THODUPUZHA MUNICIPALIT
GOVT. PLEADER SRI.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No.20931 OF 2007

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Dated this the 6th day of July, 2007

JUDGMENT

Exts.P1 and P3 are challenged in this writ petition. Ext.P1 is the show cause notice to which petitioner submitted Ext.P2. Ext.P3 is passed calling upon the petitioner to demolish the unauthorised structure encroached upon the property vested in the municipality.

2. I heard learned counsel for the petitioner and the learned counsel appearing for respondents 2 and 3, besides learned Government Pleader. Learned counsel for respondents 2 and 3 submits that Ext.P3 is appealable before the third respondent under section 509 of the Municipality Act.

3. In such circumstances, I feel that petitioner should be relegated to pursue the alternate remedy. The writ petition is disposed of as follows:

If the petitioner prefers an appeal against Ext.P3 within two weeks from today before the third respondent, the third

respondent will consider and take a decision on the same in accordance with law after hearing the petitioner. Till such time as a decision is taken, Ext.P3 shall be kept in abeyance.

(K.M.JOSEPH, JUDGE)

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